



Town of Barnstable Conservation Commission

230 South Street
Hyannis Massachusetts 02601

Office: 508-862-4093

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MINUTES – CONSERVATION COMMISSION HEARING

DATE: March 19, 2024 @ 6:30 PM

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Remote Participation Instructions

The Conservation Commission's Public Hearing will be held by remote participation methods.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable's website: <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Real-time public comment can be addressed to the Conservation Commission utilizing the Zoom link or telephone number and access code for remote access below.

Join Zoom Meeting

<https://townofbarnstable-us.zoom.us/j/84531850955>

Meeting ID: 845 3185 0955

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3. Applicants, their representatives and individuals required or entitled to appear before the Conservation Commission may appear remotely and are not permitted to be physically present at the meeting, and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to Darcy.Karle@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Public comment is also welcome by emailing Darcy.Karle@town.barnstable.ma.us. Comments should be submitted at least 8hrs prior to the hearing.

REMINDER TO APPLICANTS:

FEES FOR LEGAL ADS ARE LISTED BELOW. PLEASE MAIL CHECKS TO CONSERVATION, 230 SOUTH STREET, HYANNIS, 02601

The meeting was called to order at 6:30 p.m. by Chair F. P. (Tom) Lee. Also in attendance were: Vice-Chair Louise Foster, Clerk George Gillmore, Commissioners Hearn, and Tangney. Commissioner Sampou arrived at 6:34 p.m. Commissioner Abodeedy was absent.

Conservation Administrator, Darcy Karle was present along with Administrative Assistant, Kim Cavanaugh.

I. OLD AND NEW BUSINESS

A. Proposed Conservation Restrictions - Commission's review and vote whether to approve as written or edit the following:

1. 71 Harju Road, Centerville, 1.05 acres, off Lumbert Mill Road (Harju Road) located in Centerville Village, Barnstable Assessors Map 147 Parcel 079.

Issues discussed:

- The Eastern Box Turtle is one of the rare species in the area.
- This is also an area of protection of public water supply within Zone 2 of the well-head protection area.

2. 111 Prince Ave, Marstons Mills, 2.57 acres, located in Marstons Mills Village, Barnstable Assessors Map 076 Parcel 036.
 - Noted
3. 230 Old Colony Road, Hyannis, 2.11 acres, located in the Village of Hyannis, Barnstable Assessors Map 325 Parcel 33.
 - Noted

Presented by Barnstable Land Trust Executive Director Janet Milman, and Lindsey Counsell. Said restrictions to be reviewed and approved by the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs.

- The CR's have been reviewed by the Town Attorney Kate Connolly.

A motion was made to approve the three conservation restrictions as written and authorize the Chair to prepare a support letter to the Town Council President.

Seconded.

Aye – Foster, Gilmore, Lee, Hearn, Sampou, Tangney

Nay – none

II. REQUESTS FOR DETERMINATION

- A. Orenda Wildlife Land Trust.** Selective tree cutting and vegetation and grass removal as well as limited planting of native grasses and shrubs in efforts to maintain and expand nesting locations for the Northern Diamondback Terrapin at 210 and 194 Meadow Lane, West Barnstable as shown on Assessor's Map 158 Parcels 005/001 and 005/002. **DA-24013**

The applicant was represented by Greta Nelson of Orenda Wildlife Land Trust.

Issues discussed:

- Staff supports the project.
- Only a small portion of the project falls within Conservation jurisdiction.
- There has been high success in expanding nesting locations on Sandy Neck.
- There has already been a significant increase in this area.
- A question was raised how the trees affect the Terrapin.
- The tree cover affects the soil. The shade affects the temperature.
- They prefer sandier soils and warmer sunny areas for nesting.

Public comment: None

A motion was made to approve the project as a negative determination.

Seconded.

Aye – Foster, Gilmore, Lee, Hearn, Tangney

Nay – none

Sampou left the meeting at 6:52.

- B. Eleanor Frechette.** Proposed improvements in area of upper driveway to include adjusting location to within property lines and resurfacing, proposed turnaround/parking area with walkway, steps, and landing at existing house door, and to replace existing stairway to lower drive at 492 Elliot Road, Centerville as shown on Assessor's Map 227 Parcel 122. **DA-24014**

The applicant was represented by John O’Dea P.E. from Sullivan Engineering and Consulting and Julie from Juila Garden Design.

Issues discussed:

- A question was raised why this was filed as a Request for Determination vs. Notice of Intent.
- It is all minor work, and they are offering the some plantings because they want to, not because they are required by the project.
- Mitigation is based on square footage, walkways do not require mitigation.
- There are no special conditions needed for this project.
- This project fell within the guidelines for filing a Request for Determination.
- The plantings are not a condition of the project, they are just being offered.
- In the past some RDA’s have been turned down and have been required to file a NOI.

Public comment: None

A motion was made to approve the project as a negative determination.

Seconded.

Aye – Foster, Gilmore, Lee, Hearn, Tangney

Nay – none

III. NOTICES OF INTENT

- A. Lloyd Dufour.** Proposed site improvements including relocation of the existing shed, removal of the existing patio, construction of two new patios, installation of a wash station and reconfiguration of the existing driveway at 361 Ocean Street, Hyannis as shown on Assessor’s Map 325 Parcel 014. **SE3-6166**

The applicant was represented by Brad Holmes from ECR.

A revised plan dated 03/19/2024 was submitted earlier in the day.

Issues discussed:

- A question was raised if they could add more plantings and add irrigation.
 - The guidelines from DEP require 8-10’ of shrubs and 10-15’ on center for saplings.
 - The density has already been increased from 8 ft. to 6 ft.
 - Any plants that do not survive will be replaced.
 - There will be minimal irrigation needed but it will be available.
 - Temporary irrigation is allowed.
 - No fencing was proposed.
 - Some demarcations should be added.
 - The driveway is being reduced and the shed and patio will be replacing it.
 - The two patio’s are new hardscape and are what the mitigation is being offered for.
 - They are offering more mitigation than is required.
 - Three year monitoring reports will be needed.
 - A revised plan showing demarcation around the mitigation area should be submitted.
 - Any non-native species in the mitigation area will be removed.
-
- Maintenance of invasive specie should be put in the current special conditions as an ongoing condition because it cannot be added to the COC after the Order of Conditions has been issued.

Public comment: None

A motion was made to approve the project subject to receipt of a revised plan showing demarcation around mitigation area, annual reports for three years and ongoing conditions for invasive species removal.
 Seconded.
 Aye – Foster, Gilmore, Lee, Hearn, Tangney
 Nay – none

IV. CERTIFICATES OF COMPLIANCE

(ez = no deviations, staff recommends approval) (* = on-going conditions)

- | | | | |
|--------------------|--|------------|--|
| A. BCC-0202 | James Hannoosh
35 Williams Path, West Barnstable | (COC, ez) | Construct Pool & Pool Patio
BVW |
| B. SE3-5407 | DT Property II, LLC.
Garage , Pool, Patio, Cabana, Ret. Wall, etc. | (COC, ez*) | Demo Garage; Construct New
Coastal Bank |

A motion was made to approve A. and B.
 Seconded
 Aye – Foster, Gilmore, Lee, Hearn, Tangney
 Nay – none

V. MINUTES

A. March 5, 2024

A motion was made to accept the minutes as submitted.
 Seconded.
 Aye – Foster, Gilmore, Lee, Hearn, Tangney
 Nay – none

A motion was made to adjourn the meeting.
 Seconded.
 Aye – Foster, Gilmore, Lee, Hearn, Tangney
 Nay – none

The time was 7:20 p.m.

Upcoming Meetings:

Month	6:30 P. M.	3:00 PM
April	2, 30	16
May	14, 28	7
June	11, 25	4